

Submitted by: S. Longstreet

Approved: \_\_\_\_\_

**MARION TOWNSHIP  
2877 W. Coon Lake Rd., Howell MI 48843  
ZONING BOARD OF APPEALS  
OCTOBER 1, 2018**

**MEMBERS PRESENT:** Larry Fillinger, Dan Rossbach, Linda Manson-Dempsey, Dan Lowe, and Larry Grunn

**MEMBERS ABSENT:** None

**OTHERS PRESENT:** Dave Hamann, Zoning Administrator

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**CALL TO ORDER**

Larry Fillinger called the meeting to order at 7:37 p.m.

**APPROVAL OF AGENDA**

Dan Rossbach motioned to approve the agenda as presented. Larry Grunn seconded. **Motion carried.**

**CALL TO THE PUBLIC**

No response.

**APPROVAL OF MINUTES**

**September 10, 2018 Regular Meeting:** Dan Rossbach motioned to approve the minutes as presented. Larry Fillinger seconded. **Motion carried.**

**OLD BUSINESS**

**ZBA Case #03-18—Toratola Lane Site Condo, Garth Maxam, Tax ID #4710-26-300-018**

At the property owner’s request, Desine Inc. submitted a letter, dated 9/18/18, withdrawing the request for an interpretation of Section 6.20 Paragraph C 1c.

**MEMBERS PRESENT**

The members of the Zoning Board of Appeals introduced themselves.

**NEW BUSINESS**

**ZBA Case #04-18—Diane Bockhausen, 2533 Rubbins, Howell, Tax ID #4710-26-300-018**

Diane Bockhausen was present to ask for a reduction in her side lot line setback from 10’ to 3’, Section 8.04 E 3 A 2, the add an attached garage. This is a pre-existing, non-conforming lot in the ERS-1 zoning district. Ms. Bockhausen said she spoke with the neighbor on the west, who would be most impacted,

and he had no objections, but wants to be sure there are no drainage issues. Ms. Bockhausen said her architect said it shouldn't affect the drainage, and she will have gutters. The house was built on an angle, and in order to maintain the current setback of 4' 1" would cause the walls of the bedrooms to not be straight.

### **Motion**

Larry Fillinger motioned for ZBA Case #04-18—Diane Bockhausen, 2533 Rubbins, Howell, Tax ID #4710-26-300-018, to relax Section 8.04 E 3 A2 and grant a 7' variance, considering the following criteria:

1. That the restrictions of the township zoning ordinance would unreasonably prevent the owner from using the property for a permitted use. *The restriction would prevent the owner from making the necessary improvements.*
2. That the variance would do substantial justice to the applicant and a lesser relaxation than that requested would not give a substantial relief to the owner of the property. *The home was built in the early 1970s and is a pre-existing, non-conforming lot of record.*
3. That the request is due to the unique circumstances of the property. *The situation is due to the way the home was built on the property.*
4. That the alleged hardship has not been created by a property owner. *This property owner did not create the hardship.*
5. That the difficulty shall not be deemed solely economic. *Economics is not a factor for this variance.*

Larry Grunn seconded. Roll call vote: Rossbach—yes; Manson-Dempsey—no; Fillinger—yes; Grunn—yes; Lowe--yes. **Motion to grant variance carried 4-1.**

### **CALL TO THE PUBLIC**

Dave Hamann said the planner is putting together a class and will be submitting possible dates for the training.

### **ADJOURNMENT**

Linda Manson-Dempsey motioned to adjourn at 8:21 pm. Dan Rossbach. **Motion carried.**